

AO 91 (Rev.5/85) Criminal Complaint

E-FILED

United States District Court

FILED

NORTHERN DISTRICT OF CALIFORNIA

2008 JAN 29 A 11:30

UNITED STATES OF AMERICA

V.

JOSE ZUNIGA-TORRES

a/k/a PEDRO RODOLFO ROSALES

CRIMINAL COMPLAINT

RICHARD W. WILKINS
CLERKU.S. DISTRICT COURT
OF CA. S.J.

CASE NUMBER:

08 70044

HRL

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about December 21, 2006 in Santa Cruz county, in the Northern District of California, the defendant(s) did, willfully and knowingly make a false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws

in violation of Title 18 United States Code, Section 1542.

I further state that I am a Special Agent and that this complaint is based upon the following facts:

See affidavit of Jeffrey C. Dubsick, attached hereto and incorporated by reference

Maximum penalties: 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

Continued on the attached sheet and made a part here of: (X) Yes () No

Warrant of Arrest Requested: (X) Yes () No

Bail Amount: NO BAIL

APPROVED AS TO FORM:

Susan Knight
AUSA Susan Knight

Jeffrey C. Dubsick, Special Agent, DSS

Sworn to before me and subscribed in my presence,

January 29 2008
Date

at

San Jose, California
City and State

Howard R. Lloyd
United States Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

NORTHERN DISTRICT OF CALIFORNIA

County of Santa Clara, CA

) ss. AFFIDAVIT

)

AFFIDAVIT IN SUPPORT OF CRIMINAL
COMPLAINT CHARGING JOSE ZUNIGA-TORRES
a.k.a. PEDRO RODOLFO ROSALES
WITH VIOLATING 18 U.S.C. § 1542

Background

1. I am a Special Agent employed by the Diplomatic Security Service (DSS) which is an agency of the United States State Department. DSS Special Agents are empowered under Title 22 U.S.C. § 2709 to investigate passport fraud.

2. I have a bachelor's degree from the University of California and am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program. I have been employed by DSS since December 2004, and have received and receive on an ongoing basis, training in the laws, rules and regulations concerning passports. My previous investigations have resulted in over 40 convictions for passport fraud or a related offense.

3. This affidavit establishes probable cause to arrest JOSE ZUNIGA-TORRES for False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542. JOSE ZUNIGA-TORRES is alleged to have applied for and obtained a United States passport in a deceased identity. It should be noted that 18 U.S.C. § 3291 provides for a ten year statute of limitations for passport offenses. This affidavit does not contain every fact, piece of information or evidence concerning this alleged violation.

Passports in General

4. The Passport Act of 1926, as amended, was in full force and effect throughout the period of this investigation. This Act, codified in 22 U.S.C. § 211a, authorized the United States Secretary of State to grant and issue United States passports under rules prescribed by the President and/or other federal laws. Some of these rules are that a person wanting a United States passport must complete and submit an application to the State Department and must submit proof of American citizenship, usually a birth certificate, and proof of identity, usually a driver's license, with their application.

Another rule allows officers at certain Post Offices to accept passport applications, and to then forward them to the State Department for processing.

Facts Supporting Probable Cause

5. On or about December 21, 2006, a person purporting to be PEDRO RODOLFO ROSALES submitted an application for a United States passport at the Watsonville Post Office, which is located in the Northern District of California. A review of this application and other State Department records disclosed this passport was issued and that the passport applicant listed the following information, in sum:

Name: PEDRO RODOLFO ROSALES
Birth date: November 8, 1955
Mother's Name: Maria Elena Santoya
Father's Name: Rodolfo Rosales
Place of Birth: Eagle Pass, Texas

6. On January 17, 2008, I reviewed a copy of Kern County death certificate 1500-2866, which disclosed the following information:

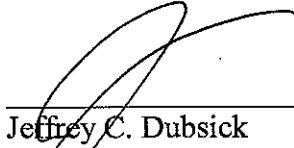
Name: PEDRO RODOLFO ROSALES
Birth date: November 8, 1955
Mother's Name: Elena Santoya
Father's Name: Rodolfo Rosales
Place of Birth: Texas
Date of Death: October 8, 1989
Cause of Death: Gastrointestinal Hemorrhage

7. On October 29, 2007, Special Agent Jose Pacheco telephonically interviewed Rodolfo Rosales Sr. in Eagle Pass, Texas. Rodolfo Rosales Sr. told Special Agent Pacheco that his son, Rodolfo Rosales Jr., did in fact die in Bakersfield in 1989.

8. On January 28, 2008, I and Special Agent Rob Castro interviewed the person purporting to be PEDRO ROSALES. He was shown the PEDRO ROSALES passport application and stated in English, that it was his passport application. We then took this person into custody. Later after waiving his Miranda rights in Spanish, he told SA Rob Castro in Spanish, and in sum, that his name was JOSE ZUNIGA-TORRES; that he was born in Mexico; that he paid \$20 for the PEDRO ROSALES birth certificate approximately 15 years ago.

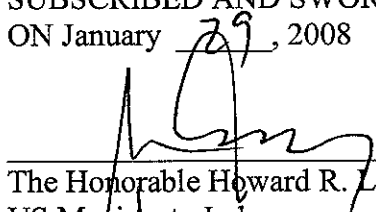
Conclusion

9. Based on the facts and information detailed in the affidavit, I believe probable exists that JOSE ZUNIGA-TORRES violated False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542, when he falsely stated his name was PEDRO RODOLFO ROSALES, on the aforementioned passport application which was submitted in the Northern District of California.



Jeffrey C. Dubsick
Special Agent
Diplomatic Security Service
San Francisco Field Office

SUBSCRIBED AND SWORN BEFORE ME
ON January 29, 2008



The Honorable Howard R. Lloyd
US Magistrate Judge
Northern District of California